

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 73628

Mary B. Birckhead

324 Murdock Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on May 11, 2010 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 35-5-302 (b)(1); section 13-7-310, 312, failure to replace the front gutter, failure to remove all trash, junk and debris from the rear yard on residential property known as 324 Murdock Road, 21212.

On April 6, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Ron Turner issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$7,000.00 (seven thousand dollars).

The following persons appeared for the Hearing and testified: Mary Birkhead, Respondent and, Ron Turner, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 3, 2010 for removal of open dump/junk yard, remove trash and debris, repair exterior structure, repair or replace missing gutter on front of house. This Citation was issued on April 6, 2010.

B. Inspector Ron Turner testified that the gutter is missing from the front of this brick row home. There is also a small quantity of junk, trash and debris in the rear of the property. There has been no response to the County's notices and no correction. Re-inspection on May 10, 2010 found no improvement. Photographs in the file show a middle-of-group brick row home with no horizontal gutter across the main front roof. Respondent is required by law to maintain the exterior of the house at least in conformance with county code standards, including keeping all exterior structures and surfaces "in good repair and in a structurally sound condition." BCC Section 35-5-302. The front gutter must be reinstalled to protect this house and adjoining houses from damage due to rainwater not being properly redirected away from the foundation.

C. Mary Birkhead testified that she has been living temporarily with her parents and did not initially receive the notices. She has been unemployed and unable to afford the repairs. She agreed that she can remove the junk and can get the gutter repaired within a couple of weeks. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violations are corrected by June 7, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 13<sup>th</sup> day of May 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.